



Speech by

**GARY FENLON**

**MEMBER FOR GREENSLOPES**

---

Hansard 13 April 1999

**CRIMINAL CODE (STALKING) AMENDMENT BILL**

**Mr FENLON** (Greenslopes—ALP) (5.27 p.m.): Tonight it is a great pleasure to rise to support the Criminal Code (Stalking) Amendment Bill, especially as I was a member of the Parliament which enacted the original legislation. This legislation has been groundbreaking. Tonight we should recognise the degree to which it has stood the test of time, considering that it was such groundbreaking legislation. In that context, it is no surprise that we are here this evening to make a number of amendments which warrant being passed, as they will make this law work a lot better.

I wish to allude to the cautionary comments made by the member for Warwick in relation to the enforcement of this legislation by the Queensland Police Service. Those comments apply to the judiciary also. We have to ensure that the police do not pursue frivolous cases and push this law to the letter in respect of cases in which commonsense would indicate that this was not warranted. It is up to the courts to set benchmarks for what is reasonable and what society expects. The police and the judiciary will have a great responsibility under this legislation. The Bill will give the police and the courts a wide degree of latitude in acting on these cases.

We are here tonight acting in a tripartite manner, I believe, to support this legislation, because there is an overwhelming view in society that the police and the courts should have wide powers to deal with the actions that are offensive to us. I suppose it is a reflection of society that these offences never cease to amaze us in terms of the ingenuity of the perpetrators. The things we see in the papers—some of the cases that have already been alluded to tonight—sometimes defy imagination.

We in this Parliament do have a responsibility to enact laws to ensure that those perpetrators do not simply avoid retribution, that they do not avoid prosecution because they have been smart enough to manipulate the laws. I believe that there is evidence in the briefings that I have received to indicate that some of the perpetrators have been very consciously working around those laws. These amendments will give the authorities greater and wider power to deal with such circumstances.

I am very pleased also to see reference in the second-reading speech made by the Minister to the effect that the pursuit of this form of harassment will continue in terms of reviewing the Peace and Good Behaviour Act 1982 and the Domestic Violence (Family Protection) Act 1989 because the police and the courts do indeed need a wide armoury of relevant legislative powers to ensure that people are protected. I think that is the bottom line in this debate tonight: to ensure that the average citizen—the ordinary citizen—is protected, that there are laws and that they are a proper reflection of the standards that we now have in our society, that there are basic rights which citizens do expect now to be able to be achieved in society, in that people expect that their routine and their private lives should not be subject to this form of offensive interruption or the prospect of being hurt psychologically or physically.

I will not go into the detail that other members have already canvassed this evening regarding these particular amendments. However, I support them, and I urge all members to support them and pass this Bill.

---